

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**LUIS ENRIQUE MOCTEZUMA-ACOSTA  
SCARLETT JULIETT FUENTES-  
GAVARRETTE**

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**CRIMINAL NO. 7:23-CR-312**

**MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Now comes the United States by and through the United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney requesting this Court to enter a Preliminary Order of Forfeiture. In support of this motion, the United States submits the following:

1. As relevant, Defendant Luis Enrique Fuentes-Acosta and Scarlett Juliett Fuentes-Gavarrette pleaded guilty to Counts One, Two, Three, and Four of the Superseding Indictment. Defendant Luis Enrique Fuentes-Acosta further pleaded guilty to Count Five of the Superseding Indictment. Count One charged the Defendants with conspiring to knowingly transport undocumented aliens or further their presence within the United States by means of motor vehicle or aircraft, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(i).

Count Two charged the Defendants with conspiring to knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is conspiracy to transport undocumented aliens or further their presence in the United States in violation

of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(ii), and that, in doing so, the Defendants: (1) intended to promote the carrying on of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions they knew that the property involved in the financial transaction represented proceeds of some form of illegal activity in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); (2) knew that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, and that, while conducting and attempting to conduct such financial transactions, they knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i); and (3) knew that the transactions was designed in whole and in part to avoid a transaction reporting requirement under federal law, and that while conducting and attempting to conduct such financial transactions knew that they property involved in the financial transaction, represented proceeds from some form of unlawful activity, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(ii) and 1956(h).

Count Three charged the Defendants with aiding and abetting, and assisting one another, to knowingly engage and attempt to engage, in monetary transactions by, through, or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of value greater than \$10,000, that is, the purchase of a 2023 black Escalade, where such property was derived from a specified unlawful activity, that is a violation 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(ii), in violation of 18 U.S.C. §§ 1957 and 2.

Count Four charged the Defendants with aiding, abetting, and assisting one another, to knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the purchase of a 2021 Red Ford F150 Shelby truck, where such property was derived from a specified unlawful activity, that is a violation 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(ii), in violation of 18 U.S.C. §§ 1957 and 2.

Count Five charged Defendant Luis Enrique Moctezuma-Acosta with being an alien who had re-entered the United States after having previously been deported, in violation of 8 U.S.C. § 1326(a) and (b).

2. The United States provided notice to the Defendants in the Superseding Indictment and the Supplement to Notice of Forfeiture in Indictment, that pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(6), 8 U.S.C. §§ 1324(b), and 28 U.S.C. § 2461, the United States would seek to forfeit all property constituting, or derived from any proceeds obtained, directly or indirectly, as the result of the indicted violations; and all property used, or intended to be used, in any manner or part to commit, or to facilitate the commission of such violations.
3. The United States identified the following property subject to forfeiture, including but not limited to:

- (1) Real property and improvements, if any, located at 1315 Ruger Street, Donna, TX 78537 and described as: Property ID 643613, Overland Park PH 2 Lot 49;

- (2) Real property and improvements, if any, located at 311 West 9th Street, San Juan, Texas 78589 and described as: Property ID 276344, San Juan original townsite E15' LOT 4, ALL OF 5 BLK 54;
- (3) Real property and improvements, if any, located at 534 East Acacia, Alamo, Texas 78589 and described as: Property ID 114718, Alamo townsite, Lot 20 BLK 24;
- (4) a 2021 Shelby Ford F150 bearing VIN: 1FTFW1E53NKE48780;
- (5) a 2023 Cadillac Escalade VIN: 1GYS4EKL8PR101756;
- (6) a 2019 GMC Sierra bearing VIN: 1GTU9DEL2KZ265485;
- (7) a 2020 Jaguar XE bearing VIN: SAJAJ4FX4LCP57971;
- (8) \$1,412,888.00 in United States Currency;
- (9) Miscellaneous Jewelry including:

1 Mens 26" Chino Link Chain-10K Yellow Gold, Box Clasp w/ LEMA Gold Overlay;
1 Mens 26" Chino Link Chain-10K Yellow Gold w/ Dia. & Emerald Santa Muerte 14K Pendant;
1 26" 10K Yellow Gold Rope Chain w/ Box Clasp and LEMA Overlay;
1 26" 10K Yellow Gold Chino Link Chain w/ Box Clasp & TJ Overlay Initials;
1 15" 10K Yellow Gold Bar Link Chain w/ Box Clasp & ABY Overlay Initials;
1 22" 10K Yellow Gold Chino Link Chain w/ Box Clasp & TJ Initial Overlay;
1 20" 10K Yellow Gold Chino Link Chain w/ Box Clasp & TJ Initial Overlay;
1 22" 10K Yellow Gold Chino Link Chain w/ Box Clasp & Gold JF Initial Overlay & Versace Pendant;
1 18" 10K Yellow Gold Rope Chain;
1 20" 10K Yellow Gold Chino Link Chain w/ Box Claps & SM Initial Overlay w/ Cross Diamond Pendant;
1 21" 10K Yellow Gold Chain w/ MM Initial Overlay on Box Clasp;
1 20" 10K Yellow Gold Chino Link Chain w/ SM Initial Overlay on Box Clasp;
1 20" 10K Yellow Gold Chino Link Chain w/ BM Initial Overlay on Box Clasp;
1 14K Yellow Gold 1/2 CTW Ruby & 1/3 CTW Diamond Lema Transport Ring;
1 10K Yellow Gold Skull Ring w/ Emerald Eyes;
1 10K Yellow Gold Mens Signet Ring w/ L letter Overlay in White Gold & Diamonds;
1 10K Yellow Gold 4 Micro-Row 0.25 CTW Diamond Band;
1 10K Yellow Gold Signet Ring w/ THIAGO Laser Engraved Design;
1 10K Yellow Gold Scrap (1 Huggie Hoop Earring, St. Jude Thaddeus Pendant, Stamped Versace Emblem);
1 14K Yellow Gold Mens Chino Link Bracelet w/ LEMA Initial Overlay in Diamonds (66g);
1 10K Yellow Gold Mens Chino Link bracelet w/ LEMA Initial Overlay & 1/2 CTW Diamonds (117g);
1 10K Yellow Gold Mens Chino Link Bracelet w/ LEMA Initial Overlay and Diamond Skull;

1 10K Yellow Gold Chino Link Bracelet w/ FUENTES Overlay in White Gold Diamond Cut;
1 10K Yellow Gold Chino Link Bracelet w/ THIAGO Overlay in White Gold Diamond Cut;
1 10K Yellow Gold Chino Link Bracelet w/ Versace Design & THIAGO Overlay in White Gold Diamond;
1 10K Yellow Gold Chino Bar Link Bracelet w/ SCARLETH Double Cutout Name;
1 10K Yellow Gold Rope Bracelet w/ 1.50CTW Diamond Clasp (8.5", 91g);
1 10K Yellow Gold Rope Bracelet (7.75", 17g);
1 10K Yellow Gold Chino Link Bracelet w/ SCARLETT Overlay in Gold (7", 10g);
1 10K Yellow Gold Chino Link Bracelet w/ SOL Overlay in Gold (6.5", 10g);
1 10K Yellow Gold Chino Link Bracelet w/ ABIGAIL Gold Overlay (6.5", 10g);
1 10K Yellow Gold Chino Link Bracelet w/ MARLEN in Gold Overlay (6.5", 10g);
1 1/10CTW Gold Plated Silver Bracelet (7.25");
1 Pair of 10K Yellow Gold 0.50 CTW Heart Shaped Diamond Earrings;
1 Pair of 2CTW Round Brilliant Cut Moissanite Stud Earrings Mounted in Silver Tulip Setting;
1 Pair of 10K Gold 0.75 CTW Diamond Cluster Heart Earrings;
1 10K Yellow Gold 2CTW Diamond Heart Cluster Ring;
1 10K Rose Gold 1.50CTW Emerald Shape Diamond Cluster Ring;
1 10K Yellow Gold 3CTW Diamond Rectangular Cluster Ring;
1 Gold Plated Lemon Quartz Double Gem Ring;
1 10K Yellow Gold 0.50CTW Diamond Cluster Wedding Set (Ring & 2 Bands);
1 14K Yellow Gold Rectangular Facet Cut Jade Ring w/ Diamonds Along Twist Shank;
1 10K Yellow Gold Cushion Cut Blue Topaz & Diamond Ring;
1 14K White Gold 5CTW Diamond Wedding Set (Cushion Shaped Ring & 2 Bands);
1 14K White Gold 2CTW Pear Shaped Diamond Wedding Set (Teardrop Shaped Ring & 2 Bands);
1 14K White Gold 3CTW Diamond Cluster Wedding Set (Princess Cut Shaped Ring & Two Bands);
1 Mens Gucci GG2570 Stainless Steel Watch w/ Deployment Clasp;
1 10K Yellow Gold 1/2CTW Ruby & 1/3CTW Diamond Lema Transport Ring;
1 10K Yellow Gold Chino Link Chain w/ Box Clasp & Letter "D" pendant w/ Cubic Zirconia Gems;
1 10K Yellow Gold Chino Link Bracelet w/ KEVIN Gold Overlay (9", 61g);
1 10K Yellow Gold 24" Chino Link Chain w/ Box Clasp Embedded w/ Santa Muerte Overlay;
1 10K Yellow Gold Chino Link Chain w/ Box Clasp & IVMU Initials (22", 49g);
1 10K Yellow Gold Chino Bar Link Chain w/ Box Clasp w/ IMARAY Overlay (15", 102 g);
1 10K Yellow Gold Chino Bar Bracelet w/ Box Clasp w/ IMARAY Double Cutout;
1 10K Yellow Gold 18" Chino Link Diamond Cut Chain w/ 2CTW Dia. Studded Box Clasp;
1 10K Yellow Gold Chino Link Bracelet w/ Dia. Box Clasp & Dia. Studded Gold JULIETH Name Cutout;
1 Women's 18K Yellow Gold Rolex Oyster Perpetual Watch;
1 14K Yellow Gold Princess Cut Invisible Set Diamond Cluster Ring w/ 3CTW;
1 14K Yellow Gold 1/2CTW Ruby & 1/3CTW Diamond Lema Transport Ring;
1 18K Yellow Gold Mens Rolex President Watch; and

(10) \$100,000 in United States Currency

(collectively the "Subject Property").

***Statutory Authority for Entry of Preliminary Order of Forfeiture***

4. Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure provides that a forfeiture determination “may be based on evidence already in the record, including any written plea agreement, and on any additional evidence or information submitted by the parties and accepted by the court a relevant and reliable.” The factual basis submitted by the Government establishes the requisite nexus between the seized property and the offense of conviction.
5. In their Plea Agreements the Defendants admitted that personal and real property were involved in, or were obtained with proceeds from, the offense to which they pled guilty, and further agreed to forfeit said property to the United States. Based on the evidence in the record and the Defendants’ admission, the United States has established the requisite nexus between the property and the offense of conviction.
6. Moreover, the Defendants did not challenge the forfeiture of the above identified property and by pleading guilty, admitted to the factual basis supporting forfeiture to the United States.

According, the United States respectfully requests the Court to enter the attached Preliminary Order of Forfeiture forfeiting the personal and real property to the United States.

Respectfully submitted,

ALAMDAR S. HAMDANI  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

A true and correct copy of this document was served on all counsel of record via electronic court filing on March 28, 2024.

*/s/Tyler Foster*  
Tyler Foster  
Assistant United States Attorney